

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH LOUIS CAMINO, : **Civil No. 1:17-cv-1088**

Plaintiff, :

v. :

ERIC TICE, :

Defendant. :

Judge Sylvia H. Rambo

M E M O R A N D U M

Before the court is a report and recommendation filed by the magistrate judge in which she recommends that Plaintiff Joseph Camino's *pro se* complaint be dismissed without further leave to amend. No objections have been filed.

I. Discussion

On June 21, 2017, Camino filed a 135-page complaint pursuant to 42 U.S.C. § 1983 against six wardens from separate correctional institutions. The magistrate judge reviewed the complaint pursuant to 28 U.S.C. § 1915A(a) and concluded that it failed to state a claim upon which relief could be granted and failed to comply with the pleading requirements of Rule 8(a)(2) of the Federal Rules of Civil Procedure, as well as the cases of *Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009) and *Bell Atlantic v. Twombly*, 550 U.S. 544, 555 (2007). (Doc. 16, p. 4.) The magistrate judge granted Camino leave to file an amended complaint by December 19, 2017. (Doc. 11.)

On December 6, 2017, Camino filed a document labeled “Amended Complaint,” in which he requested that the court provide him with discovery and the appointment of counsel. (Doc. 14.) On December 11, 2017, the magistrate judge addressed the factors regarding the appointment of counsel and denied the same at this junction of the case. (Doc. 15.) She also denied the request for the court to provide Camino with discovery, pointing out that a court does not provide discovery but that discovery can be sought from the defendants provided an amended complaint states a claim upon which relief may be granted. (*Id.*)

As of the date of this memorandum, no amended complaint has been filed. The court will adopt the report and recommendation and dismiss the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

Dated: March 15, 2018